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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re COHERENT, INC. SHAREHOLDER
 DERIVATIVE ACTION

Lead Case No. C-07-0955-JF

DERIVATIVE ACTION

This Document Related To:
 ALL ACTIONS.

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING TIME TO
 RESPOND TO COMPLAINT**

1 WHEREAS, on June 25, 2007, plaintiffs filed a consolidated amended complaint (the
2 “Complaint”) in this consolidated shareholder derivative action;

3 WHEREAS, on October 18, 2007, the parties filed a stipulation and proposed order to
4 extend the defendants’ deadline to respond to the Complaint and related briefing schedule in light
5 of a mediation that was scheduled to take place on December 6, 2007;

6 WHEREAS, by Order entered October 19, 2007, the Court continued defendants’
7 deadline to respond to the Complaint from November 9, 2007 to January 18, 2008;

8 WHEREAS, the Special Litigation Committee of Coherent, Inc. (the “Special Litigation
9 Committee”), which is currently conducting an investigation regarding the allegations of the
10 Complaint, was recently and unexpectedly informed by the mediator with whom the mediation
11 had previously been scheduled for December 6, 2007, that he has been ordered by a federal
12 district judge in another matter to conduct a mediation proceeding on that date, and that due to his
13 full schedule would be unable to reschedule the mediation in this matter within the next few
14 months;

15 WHEREAS, based upon the cancellation of the December 6, 2007 mediation date, the
16 mediation has been rescheduled to take place on January 9, 2008 with a new mediator, the Hon.
17 Howard Wiener (ret.);

18 WHEREAS, in light of the foregoing, the parties have agreed, subject to Court approval,
19 to continue the date for defendants’ deadline to respond to the Complaint in order to facilitate
20 settlement discussions;

21 WHEREAS, the agreed upon schedule is not for the purpose of delay, promotes judicial
22 efficiency, and will not cause prejudice to any party;

23 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs, defendants and the
24 Special Litigation Committee, through their undersigned counsel, subject to approval of the
25 Court, as follows:

26 1. Defendants’ deadline to respond to the Complaint is continued from January 18,
27 2008 to February 22, 2008.

1 2. In the event that defendants file and serve motion(s) directed at the Complaint,
2 plaintiffs shall file and serve an opposition no later than April 7, 2008, and defendants shall file
3 and serve a reply no later than May 7, 2008.

4 3. The Case Management Conference is rescheduled until such time that the Court
5 schedules a hearing on the responsive pleadings.

6 IT IS SO STIPULATED.

7
8 Dated: December 6, 2007

/s/

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1 Dated: December 6, 2007

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10 Dated: December 6, 2007

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21 Counsel for Defendant Robert J. Quillinan

22 Dated: December 6, 2007

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1 Dated: December 6, 2007

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8 Dated: December 6, 2007

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17 Gerald C. Barker, Kevin P. Connors, Robert M.
Gelber, James L. Hobart and Nominal Defendant,
Coherent, Inc.

1 Dated: December 6, 2007

/s/

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10 Counsel for the Special Litigation Committee of
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13 I, Michael C. Tu, am the ECF user whose ID and password are being used to file this
Stipulation and [Proposed] Order Extending Time to Respond to Complaint. In compliance with
14 General Order 45(X), I hereby attest that the other signatories have concurred in this filing.

15 /s/ Michael C. Tu
Michael C. Tu

16 **ORDER**

17 Pursuant to the parties' stipulation, IT IS SO ORDERED.

18
19 Dated: 12/10/07

20 
21 HON. JEREMY FOGEL
UNITED STATES DISTRICT COURT JUDGE